

SEEKONK PLANNING BOARD
Regular Meeting & Work Session
Board of Selectmen Chambers
100 Peck Street
Seekonk, MA 02771
November 9, 2021

Present: D. Sullivan, B. Hoch, P. Dunn, S. Foulkes, P. Aguiar, S. Escaler, D. Roderick and John Aubin,
Town Planner

Ch. Sullivan opened the meeting at 7:05 pm.

REGULAR MEETING:

1. Reorganization of the Board: **B. Hoch nominated S. Foulkes, seconded by P. Aguiar.**
Ms. Foulkes accepted the nomination.

L. Dunn made a motion to close the nominations, seconded by D. Roderick.

VOTE: 7-0-0

2. Final Surety Release for the Definitive Subdivision named Woo Estates located at Woo Drive in an R-3 Residential Zoning District.

J. Aubin informed the Board that this is the last step in the Woo Estates Subdivision that was approved by the Planning Board in 2005. It was accepted as a public right-of-way at the Spring Town Meeting. The paperwork transferring ownership from the developer to the Town is being completed. The last element for the Board is to release the bond. He noted that all the public improvements are the responsibility of the Town since this subdivision was established prior to the Homeowner's Association requirement. The retention pond in the back of the development will be cleaned before the Town takes ownership in the Spring.

There was a discussion about Maplewood Terrace which is behind the Woo Estates development. Mr. Aubin stated that DPW is actively working on the drain system which bears no impact on the Woo development.

P. Aguiar made a motion to release the final Surety as defined, seconded by L. Dunn.

DISCUSSION: J. Aubin stated that GPI will complete maintenance during the Fall. The Town will be taking over maintenance of the subdivision in the Fall. There was no further discussion.

VOTE: 7-0-0

WORK SESSION:

3. Master Plan Discussion

a. Housing Production Plan/Housing Element

J. Aubin provided the Board with demographic information as part of the Open Space and Recreation Plan. The information includes numbers which reflect the current 2020 Census numbers as far as population, number of households, median household income, and median house prices.

He would like to update this element and present it to the Board of Selectmen for their review as well as the Board of Health.

He presented to the Board where ANR's and subdivisions have occurred over the last 10 to 11 years. This information has been provided to SRPEDD as part of the Land Use Element. He would like to expand this to include not just where there is development, but also identify where larger parcels are located.

SRPEDD is preparing a buildout analysis and some development concepts to look at different areas in town.

Ch. Sullivan asked J. Aubin what he would ask for goals, numbers and projections when he makes the presentation to the various Boards. J. Aubin replied that he would like to have a handle on what our buildout looks like per SRPEDD research; under the current Zoning conditions; if we work with the Board of Health; does it make sense to have 14,500 s.f. Zoning District and what issues that would raise creating all these non-conforming lots in this Town.

b. Sustainable Energy Element

J. Aubin stated that the Town has achieved a number of its goals per the 2010 plan. There has been no input from either the public or any of the public bodies in town. He would like to sit with the Energy Committee and the Conservation Commission to ask for recommendations as far as goals and objectives. He would like the Board's approval to go to each Board to make a presentation to them and ask for their input.

Ch. Sullivan said that having a Special Town Meeting during the winter was brought up at last night's Town Meeting. He asked if a warrant article could be presented at the meeting if there had been discussions during the Planning Board meetings. J. Aubin was unsure, but to have a warrant on Spring Town Meeting would be more likely.

It was asked if the Census information is available. J. Aubin indicated it has been provided as part of the packet the Board received.

J. Aubin informed the Board that we are on the cusp of adding a 5th District which will likely happen by 2030.

S. Foulkes asked if the Board was going in order of the agenda, or if she could ask a question regarding the Sustainable Energy Element. It was said that this was all a general discussion of both elements.

She questioned when the new DPW building will be constructed and whether or not it will have solar panels on it. J. Aubin was not sure because he does not know enough about this subject. He stated that

all Town projects should be encouraged to include solar or alternative energy as part of the Sustainable Energy Element. He named a few of the upcoming projects.

S. Foulkes asked when Seekonk became a green community. J. Aubin replied Seekonk became a green community in 2017. He said Seekonk had to adopt some elements before becoming “green”. S. Foulkes brought up electric cars which led the Board to discuss transportation and bus services.

J. Aubin spoke to the Board about his meeting to discuss the Sowams Heritage District. He said they would like to replicate the Blackstone Valley Heritage Corridor. He spoke briefly how this would benefit Seekonk.

L. Dunn asked if other members of the Board had any ideas how to turn around the development that has been happening since we are not meeting our affordable housing goals. J. Aubin stated that the Greenbrier II project will bring the affordable housing numbers up to around 6 to 7%. A discussion of whether or not 10% is a realistic affordable housing goal ensued.

Environmental impacts as pertaining to new subdivisions was discussed. Conservation subdivisions were included in this discussion. Ch. Sullivan stated he would like to see most of the new subdivisions be conservation subdivisions. J. Aubin said that could be brought to Town Counsel in December. S. Foulkes asked if this was incorporated to the Rules and Regulations, would the Planning Board have to go to Town Meeting to have it approved. J. Aubin replied that technically that would be a Special Permit under the Zoning By-laws. It would involve some changes to the Zoning By-law as well as changes to the Subdivision Rules and Regulations. The big question is whether or not the Planning Board has the authority to do this.

J. Aubin explained that under the current regulations, if the Planning Boards would like, they could tell a developer that they would have to set some lots aside for a potential park for the Town. However, the Regulations states that the Town would have to purchase that/those parcels in 2 (he was unsure of the exact timeframe) years. The Town would have to buy the lots at fair market value. The Town would then be responsible to maintain the park. The maintenance of Town owned parcels was discussed.

B. Hoch asked if the Aitken School has solar panels on the roofs. J. Aubin did not recall seeing any of that. He said he heard at the Town Meeting that there will be a roofing project for the older portion of the building. B. Hoch believes the Planning Board, through the Board of Selectmen, should encourage (when feasible) solar energy for new construction.

A new heating system for the high school was discussed. P. Aguiar inquired if an energy audit had been completed for the Town. Ch. Sullivan replied yes there have been a couple of them. The improvements throughout town in regards to LED lighting was discussed.

Ch. Sullivan asked if there were any other discussions involving the Housing Element or the Sustainable Energy Element. J. Aubin stated he will take that direction and reach out to the Board of Selectmen and Board of Health for the Housing Element. Ch. Sullivan said he would like to see the Board of Health be contacted first. As far as the Energy Element, J. Aubin will reach out to the Energy Committee, Conservation Commission for additional input.

Ch. Sullivan asked if the Board of Health should be included in the first Planning Board meeting in December. J. Aubin said he will reach out to them. He added that he didn't believe there was much on the agenda for them. The Planning Board should start presenting the Master Plan and look to adopt the elements at the beginning of the year. Ch. Sullivan believed there to be a meeting on December 21st. He recommended that the Board postpone that meeting until after the holidays.

S. Foulkes asked if the Board was going to work toward a more rural and less intense development. J. Aubin said that will be part of the discussion with the Board of Health. In addition to being locked in a Land Use pattern since 1946. Ch. Sullivan said the Board can't place moratoriums or control Building Permits. J. Aubin believes that encouraging conservation developments and purchasing the Medeiros Family farm helps with this.

The Board discussed the benefits that purchasing the Medeiros Family farm is to the Town.

How neighboring communities are able to control development was talked about. J. Aubin stated that our R-4 Zoning District is 1 ½ acres. There is not a dense urban development in other communities, but there are neighborhoods. The Board talked about changing lot sizes and the ramifications of that.

Ch. Sullivan asked that J. Aubin speak to Counsel about a penalty clause as to either a cease and desist or something of that nature if a developer does not meet the Board's criteria. The Board would have the ability to state that until the affordable housing units meet the criteria required, the developer is not allowed to sell any more lots or anything of that nature. Also, it cannot be the last house in the development; it has to be prior to 50% buildout. J. Aubin believes that since it is in the Zoning By-law, it would have to go through the Building Enforcement Officer's procedures.

It was asked if the Board can put into the Rules and Regulations that a developer has to construct a comparable house for the affordable house(s) within the development. J. Aubin said there is that language in the Rules and Regs; also, the developer has to submit plans showing what will be built in the development. It was said that it has been more than 6 ½ years since a Conservation Subdivision has come through the Planning Board. The Board continued to discuss affordable housing.

S. Foulkes asked if an Affordable Housing Trust Fund and Committee has been established per information from the packet provided to the Board. J. Aubin said that neither a Trust Fund nor Committee has been established. He went on that payment in lieu of would be a mechanism for using CPC funds through affordable housing. The Affordable Housing Land Trust should be included in the Housing Production Plan. Ch. Sullivan stated that this information is from 2010 which is prior to the formation of the CPC. Ch. Sullivan said that the Housing Production Plan in general should be put on the agenda when the Board sits with the Board of Selectmen in January. The first step is to meet with the Board of Health in December.

S. Escaler asked what can be done about the developers that do not finish projects and continue to receive new permits to develop at other locations. J. Aubin replied that if a developer has companies with different names, the Board cannot deny them. Enforcement issues will be brought up to Town Counsel at the December meeting. Some scenarios were discussed. J. Aubin stated that until a developer applies for acceptance, they still own the land where that roadway sits. They also own the open space that sits behind the development if it is a Conservation Development. There was further discussion on developers operating under a new name.

Ch. Sullivan told the Board that the statutes that the Planning Board works under for the Definitive Subdivision Law goes back to the 1950s. The only chapters that have been amended are the Zoning parts. The Planning parts have never been amended because the builders lobby is so strong, they have blocked every effort to amend the laws on the Planning side.

The Board of Health's responsibilities as it pertains to septic systems and soil conditions were discussed.

Ch. Sullivan asked if there was any other business or discussion on this item under the Work Session Agenda. There were none.

4. **Town Planner Monthly Report** (see attached October Monthly Report)

J. Aubin summarized the Monthly report.

Subdivisions:

- **Berson Estates** – proposed 13-lot residential subdivision of land located at 0 Pine Street - they are in the process of installing the water line and starting their roadway construction.
- **Magnolia Court** (located off of Walker Street) – 10-lot residential subdivision of land located off Walker Street - a pre-construction meeting was held. They are commencing their roadway construction. He doesn't believe their binder course will be done before the construction season closes out, but they have commenced this project.
- **Pine Brook Court** – 9-lot residential subdivision located at 0, 224 and 250 Arcade Avenue - the telephone pole situation was thought to be resolved when Verizon came in and installed the new pole; however, they have not taken down the old pole yet. Right now, the Department of Public Works (DPW) and the Fire Department are preventing any issuance of permits there based on their finding that the roadway access does not provide for adequate emergency vehicle access.
- **Farmland Estates** – 12-lot residential subdivision located off Lincoln Street - they are wrapping up their sidewalks out there. The developer is hoping to have everything ready for the Spring Town Meeting.
- **Kathleen Court** – 16-lot residential subdivision off Lincoln Street – construction ongoing.
- **Hidden Hills** – 14-lot residential subdivision off Taunton Avenue – accepted as a public right-of-way
- **Jacob Hill Estates** – 11-lot residential subdivision off Jacob Street – put off until Spring Town Meeting. Drainage issues are ongoing at the intersection of Palmer River Road and Jacob Street
- **Pine Hill (Jacoby Way)** – 9-lot residential subdivision off Newman Avenue – J. Aubin has not heard anything from the HOA. He will reach out to them. There isn't reason to be concerned as they are an active HOA.
- **Brigham Farm III** – Conservation Subdivision application – they are almost done with Conservation Commission approvals. The Planning Board will be preparing the documents for their final definitive subdivision.
- **Winterfell** – 11 lot definitive subdivision off Warren Avenue – the As-Built Plan has been received. They can file for their roadway acceptance at the Spring Town Meeting.
- **Stone Ridge** – 11-lot definitive subdivision located off Walker Street – the sidewalks have been installed. Final paving is weather dependent.
- **Brady Estates (Patriot Way)** – 11-lot residential subdivision off Lake Street – developer is actively working on drainage issue raised during acceptance review. TRC and Stormwater Advisory Committee continue to review the incomplete subdivisions.
- Site Plan Review for **Tayeh Realty** – 155 Fall River Avenue and 113-111 Taunton Avenue for a proposed gas station/convenience store – they have received a Special Permit from the Zoning Board. They are in the process of preparing their site plan application as well as their application for the Board of Health. At the last Town Meeting, the Zoning By-law Amendments were approved that require the Board of Health, Board of Selectmen and Conservation Commission approvals as well as Zoning Board Approvals to be in place before the Planning Board can grant site plan approval.
- Site Plan Application for **Car Van Max** – 214 and 224 Taunton Avenue – this application has been withdrawn. The applicant is looking for other locations on Route 6.
- Pre-application Review for **Josh Hotvet** - for a proposed carport solar facility at 1782 Fall River Avenue – a TRC review has been completed. The applicant would like to take the area where there is parking at the Seekonk Speedway and put a solar field in. This area would be designed to serve as

carports. It is within the Industrial District; therefore, it is an allowed use by right. The applicant would come before the Conservation Commission because there are wetlands and then the Planning Board.

Amendments:

- Fall 2021 Zoning Amendments **Section 4.2.6 Prohibit Uses** was approved at last night's Town Meeting. As soon as the Town Clerk submits the meeting minutes, they will be submitted to the Attorney General's Office for their review and comment.
- OSREC Plan has been submitted to the state for their review.
- Master Plan was discussed at tonight's meeting.

Miscellaneous:

- 2020 Census was briefly discussed tonight
- **Greenbrier II** Comprehensive Permit application for proposed 240-unit multi-family residential complex – Traffic study was received and distributed to the appropriate departments and engineers within the past week. The Zoning Board of Appeals has a hearing scheduled for the end of this month. The timeframe for a decision was discussed.
- Massachusetts Community One Stop for Growth Grant – the Town was able to acquire two grant awards through this program.
 - \$75,000 Housing Choice Award for Route 6 land use study; and
 - \$98,000 MassDevelopment ADW/Baker's Corner Area Revitalization Study
 - \$25,000 Mass Development Technical Assistance Grant – originally was to be used for reuse RFP, because we did not receive the third One Stop for Growth Grant, this will be used for ADW. We will be applying for additional funding for RFP during the next application period.
- River contamination was briefly discussed.

5. SRPEDD

L. Dunn said the virtual meeting on October 27th was cancelled due to power outages in multiple towns. The meeting was held on November 3, 2021. The following was discussed:

1. The commission was introduced to new commissioners in various towns.
2. SRPEDD now has a contract with Economic Development Administration (EDA).
3. SRPEDD funds.
4. The JTPG Transportation Group's use of census information to conduct As-Built Analysis was discussed.
5. MassDOT is putting together data about trails and by-ways.
6. DOT is hosting a "Moving Together Summit" that will take place on December 7th.
7. SRPEDD has applied for Build Back Better funds in partnership with multiple southcoast organizations.
8. Middleboro is working on a growth plan using 40R (reduced lot sizes, increased density). She stated that they called it a Managed Mixed-Use Zoning. They are using it around their new MBTA station.
9. The Commonwealth's top 100 crash sites are available on the MassDOT crash portal website. Public transportation was briefly discussed.

Ch. Sullivan asked if any other Board member had any comments or concerns.

B. Hoch had a comment about last night's Town Meeting. He gave kudos to J. Aubin for the presentation that he gave.

L. Dunn asked if the other applicant who applied for the vacant seat on the Planning Board could apply to become SRPEDD's rep? Ch. Sullivan said they could speak to the Town Administrator about that.

6. **Correspondence:**

There was none.

7. **Approval of Minutes:**

- October 12, 2021 – **P. Aguiar made a motion to accept as presented, seconded by B. Hoch**
VOTE: 7-0-0
- October 26, 2021 – **D. Roderick made a motion to enter the minutes into the record without acceptance due to a lack of a quorum, seconded by L. Dunn**
VOTE: 3-0-4 with D. Sullivan, B. Hoch, S. Foulkes and P. Aguiar abstaining

Ch. Sullivan asked if there were any other matters to be discussed. There were none.

Adjournment:

B. Hoch made a motion to adjourn, seconded by L. Dunn.
VOTE: 7-0-0

The meeting was adjourned at 10:00 p.m.

Respectfully Submitted by,
Lori Trenteseaux, Secretary
Planning Board

Formally accepted on December 14, 2021
7 in favor, 0 against, 0 abstention

Full Video available to view on TV9 Seekonk Community Access Television
Link: <http://tv9seekonk.com/>